

# UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/587,491	06/02/2000	Nikhil Deshpande	6926 US	7274	
75	590 10/03/2002				
Francis L Gray			EXAMINER		
Tektronix Inc PO Box 500			ORGAD, EDAN		
Delivery Station	n 50-LAW				
Beaverton, OR 97077			ART UNIT	PAPER NUMBER	
			2682		
			DATE MAILED: 10/03/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

P

			<b>*</b>		HG		
		Application	on No.	Applicant(s)			
Office Action Summary		09/587,49	1	DESHPANDE ET	AL.		
		Examiner		Art Unit			
		Edan Org	ad	2682			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status							
1)⊠ Responsive	to communication(s) filed on	<u>02 June 2000</u> .					
2a)☐ This action	is <b>FINAL</b> . 2b)⊠	This action is	non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims							
4)⊠ Claim(s) <u>1-6</u>	is/are pending in the applica	tion.					
	ove claim(s) is/are with		nsideration.				
5)⊠ Claim(s) <u>6</u> is/are allowed.							
6)⊠ Claim(s) <u>1-3</u> is/are rejected.							
· <u> </u>	nd 5 is/are objected to.						
	are subject to restriction a	ınd/or election r	equirement.				
Application Papers	_ ,		•				
9)☐ The specifica	tion is objected to by the Exa	miner.					
10) The drawing (s	s) filed on is/are: a)	accepted or b)	objected to by the Exa	aminer.			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.							
If approved, corrected drawings are required in reply to this Office action.							
12)☐ The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S	.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a)□ All b)□ :	Some * c)☐ None of:						
1.☐ Certifi	ed copies of the priority docur	ments have bee	n received.				
2. Certific	ed copies of the priority docur	ments have bee	n received in Applicat	ion No			
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.							
* See the attached detailed Office action for a list of the certified copies not received.							
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.							
15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.							
Attachment(s)  1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s)							
2) Notice of Draftsperson	Cited (PTO-892) n's Patent Drawing Review (PTO-94i e Statement(s) (PTO-1449) Paper No			y (PTO-413) Paper No( Patent Application (PTo			

Application/Control Number: 09/587,491

Art Unit: 2682

#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Salinger (US Patent # 6,212,229).

Regarding claim 1, Salinger teaches a method of identifying a signal type comprising the steps of: selecting a signal of interest from a displayed spectral waveform for a specified range of frequencies (column 7, lines 58-60); processing data representing the signal of interest to ascertain characteristics of the signal of interest (column 7, lines 61-66); and from the characteristics of the signal of interest determining an identification of the signal type (column 7, line 66- column 8, line 6).

Regarding claim 2, Salinger teaches the determining step comprises the step of comparing the frequency of the signal of interest with a database of spectral assignments for a plurality of known signals to identify the signal type (column 7, lines 61- column 8, line 6, Salinger discloses comparing the upper and lower cutoff frequencies of desired single with a predetermined power level above the noise floor).

Application/Control Number: 09/587,491

Art Unit: 2682

Regarding claim 3, Salinger teaches the processing step comprises the step of estimating from the data an occupied bandwidth for the signal of interest as one of the characteristics for input to the determining step (column 6, lines 58-66).

### Allowable Subject Matter

Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 4, the prior art of record fails to specifically disclose the processing step further comprises the step of estimating from the data a complementary cumulative distribution function of the peak power for the signal of interest as one of the characteristics for input to the determining step.

#### Claim 6 is allowed.

Regarding claim 6, the prior art of record fails to specifically disclose the selecting a signal of interest from a displayed spectral waveform for a specified frequency range; estimating an occupied bandwidth for the signal of interest from data representing the signal of interest; estimating a complementary cumulative distribution function of peak power from the data for the signal of interest where the occupied bandwidth is common to more than one known signal type; reporting a identification of the signal type as a function of the complementary cumulative distribution function.

Page 4

Application/Control Number: 09/587,491

Art Unit: 2682

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Edan (Dan) Orgad

September 39, 2002

VIVIAN CHIN SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2600

9/30/02